

**UNITED STATES DISTRICT COURT FOR THE
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,
Plaintiff,
v.

CRIMINAL NO. 99-185 (HL)

FRANCISCO IRIZARRY-MENDOZA,
Defendant.

**UNITED STATES' RESPONSE TO DEFENDANT'S PETITION
FOR RETURN OF PROPERTY**

TO THE HONORABLE COURT:

COMES NOW, the United States of America, by and through the undersigned attorneys, and respectfully states and prays as follows:

1. On June 29, 1999, petitioner was arrested for violations of Title 21, United States Code, Section 846 and Title 18, United States Code, Section 924(c)(1). At the time of his arrest, twelve (12) items of property belonging to the petitioner were seized from his dwelling place. A receipt for the property seized from the petitioner was prepared by the Federal Bureau of Investigation, San Juan Office, and signed in acknowledgment by Ana M. Dávila. (Copy of the Receipt for Property Received is attached as Exhibit A.)

2. On December 2, 2003, a series of items listed in the attached "Receipt for Property Returned" were returned to Yaritza Jorge. (See Exhibit B) Specifically, the items returned to Ms. Jorge are stated in the receipt as:

- Item 1 - Papers/Negatives
- Item 4 - Papers and business cards, address book
- Item 6 - Travel vouchers, address book black in color, negatives
- Item 7 - wallet
- Item 8 - cell phone
- Item 9 - cell phone # 634-7153 Erickson LSR
- Item 10- Black Laveda wallet
- Item 11- Beeper
- Item 12 - Paper, "Declaración Jurada" (Sworn Statement)

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It is worth noting that, although petitioner mistakenly claims that Item 1 has not been returned by the government, said item was acknowledged received on the above stated date by Yaritza Jorge.

3. On September 25, 2002, two additional items of the seized property were returned to Frances Rivas Rodríguez, Public Defender's Office, to wit: Item 3 - 4 video tapes, and Item 5 - photo album. (See Exhibit C)

4. On October 21, 2002, the last item of the seized property was returned to Frances Rivas Rodríguez, Public Defender's Office, to wit: Item 2 - Portable file case. (See Exhibit D)

5. As evidenced in Exhibits A thru D, all of the items listed by petitioner Irizarry-Mendoza as still pending to be returned by the government, that is, Items 1, 2, 3, and 5, have been returned to him or his authorized representatives.

WHEREFORE, the United States requests that this Honorable Court takes notice of the above stated.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 15th day of October, 2007.

ROSA EMILIA RODRÍGUEZ-VÉLEZ
United States Attorney

s/ Timothy R. Henwood
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CERTIFICATE OF SERVICE

I hereby certify that on October 15 , 2007, I electronically filled the foregoing with the Clerk of the Court using the CM/ECF system, and that a copy of this motion was mailed to Francisco Irizarry-Mendoza 27949-069, F.C.I., Loretto, P.O. Box 1000, Loretto, PA 15940.

In San Juan, Puerto Rico, this 15th day of October, 2007.

s/Timothy R. Henwood
Assistant U.S. Attorney